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A SECURITY OFFICIAL DECLINES TO TESTIFY

Tells a House Panel He Disclosed No Secrets About a Bomber Now Under Development

By JUDITH MILLER
Special to The New York Times

WASHINGTON, Oct. 1 — A member of the National Security Council staff declined to appear today before a Congressional panel investigating disclosures about the Stealth bomber project after President Carter directed him not to testify.

The House Armed Services Investigations Subcommittee, headed by Representative Samuel S. Stratton, Democrat of upstate New York, had asked David L. Aaron, deputy assistant for national security affairs, to testify on how information had been disclosed to news organizations about the secret technology now under development that would permit aircraft to avoid radar detection.

Mr. Stratton said he received a letter last night from Lloyd Cutler, White House counsel, informing the panel that Mr. Aaron would appear only "when and if your subcommittee has some credible evidence before it to support the charge" that Mr. Aaron had disclosed the information. In addition, the subcommittee received a sworn statement from Mr. Aaron denying that he disclosed the information as well as assurances that the panel could privately question Mr. Aaron under oath.

Mr. Stratton said, however, that Mr. Carter could not properly refuse to permit Mr. Aaron to testify by invoking claims of executive privilege, asserting that the doctrine exempted Presidential advisers from testifying only about their consultations with the President. Mr. Stratton added that the subcommittee would probably subpoena Mr. Aaron to testify when the House reconvenes after the election.

Jurisdiction Problem Cited

In other action, Mr. Stratton referred to the House Select Committee on Intelligence allegations that Representative Robin L. Beard, Republican of Tennessee, had improperly disclosed classified information about possible Soviet violations of the strategic arms limitation treaty. Mr. Stratton said his subcommittee lacked jurisdiction to investigate the charges since Mr. Beard had not obtained his information about the alleged violations from committee sources.

Representative Bob Carr, Democrat of Michigan, the committee member who requested the investigation, accused the subcommittee of hypocrisy, saying it was "willing to investigate the Administration on allegations of leaks regarding Stealth" but was "unwilling to discipline its own members."

Today Mr. Beard renewed his charges that the Soviet Union was violating the provisions of the arms limitation treaty and other arms control agreements with the United States. He stated that he had received new information from intelligence sources supporting his charges.

According to Congressional aides, the Defense Intelligence Agency has completed a report concluding that the Soviet Union has for years been practicing the possibility of re-using missile silos. Mr. Beard has alleged that Moscow conducted an exercise over a five-day period in July in which they simulated the reloading of 25 to 40 SS-18 missiles. Rapid reloading of missile silos is prohibited by the 1979 arms treaty. Although that treaty has not been ratified, both sides had indicated they were prepared to observe the treaty's terms.

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